

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Administration of the North American  
Numbering Plan, Carrier  
Identification Codes (CIC)

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CC Docket No. 92-237

COMMENTS OF EXCEL COMMUNICATIONS, INC.

Excel Communications, Inc. ("Excel"), by its undersigned counsel, hereby submits its comments in response to the Public Notice requesting comments on the issues raised in the *ex parte* letters filed by MCI Communications Corporation ("MCI") on March 17, 1998 ("MCI Letter"), and VarTec Telecom, Inc. ("VarTec") on March 23, 1998 ("VarTec Letter"), in CC Docket No. 92-237.<sup>1</sup>

Excel respectfully requests that the Federal Communications Commission ("Commission") take appropriate action to ensure that all local carriers ("LECs") use a standard intercept message that does not contain the clause "your call cannot be completed as dialed," and that is not preceded by a Special Information Tone ("SIT"). In the transition period from three-digit to four-digit Carrier Identification Codes ("CICs"), it is essential that the plan developed to educate customers regarding the dialing change does not deter customers from dialing around. Any action which does not maintain or facilitate a level playing field will likely adversely impact competition, the public, and the industry as a whole. Excel, therefore, supports MCI's rejection of the superfluous standard intercept message

<sup>1</sup> Excel is simultaneously filing a written *ex parte* communications urging an extension of the permissive dialing period for three and four-digit CICs, an issue raised in MCI's letter but outside the scope of the comments sought in the Public Notice.

developed and adopted in February by the Network Interconnection and Interoperability Forum ("NIIF"), and concurs with MCI's and VarTec's objection to the use of SITs.

### **I. The Commission Should Adopt MCI's Proposed Intercept Message**

In conjunction with the end of the permissive dialing period during which both three-digit and four-digit CICs may be used, the Reconsideration Order requires LECs to offer "a standard intercept message" which explains that a dialing pattern change has occurred and instructs the caller to contact its IXC for further information.<sup>2/</sup> The Commission ordered LECs and IXCs to "reach an agreement on the content of the message," and indicated that if no agreement was reached, it would resolve any disputes regarding the message.<sup>3/</sup> As noted by MCI, although a standard intercept message, using the NIIF was issued and adopted in February,<sup>4/</sup> the message adopted is unacceptable and will ultimately harm IXCs and competition. The adopted message states:

"Your call cannot be completed as dialed. If you dialed a 5 digit code, it has changed. Please redial adding a one and a zero before the 5 digit code, or for assistance contact the carrier you are trying to use."

The phrase "your call cannot be completed as dialed" is unnecessary and will surely cause many customers to hang up. Callers will instinctively believe they cannot use their carrier of choice to complete their calls, and will simply complete their call using the PIC assigned to their telephone number. Many callers, therefore, will never be educated regarding the dialing pattern change, will

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<sup>2</sup> See *Administration of the North American Numbering Plan Carrier Identification Codes (CICs)*, CC Docket No. 92-237, Order on Reconsideration, Order on Application For Review, and Second Further Notice of Proposed Rulemaking and Order, at ¶ 26 (rel. Oct. 22, 1997) ("Reconsideration Order").

<sup>3</sup> *Id.*

<sup>4</sup> *MCI Letter* at 3.

be discouraged from continuing to use the IXC's casual calling service, and may believe that the IXC simply stopped providing the casual calling service.

Moreover, the superfluous language is unnecessary and confusing to customers. Excel concurs with MCI's argument that if "a caller dials a 3-digit CIC after the permissive dialing period ends, s/he will immediately know that the call cannot be completed as dialed, because the call will not complete."<sup>5</sup> There is no reason to state the obvious. "Your call cannot be completed as dialed," effectively takes customers away from IXCs who market casual calling and will ultimately cause a significant competitive hardship on such carriers by reducing their customer base. This extraneous language, therefore, contradicts the Commission's intention of ensuring a smooth transition in a competitively neutral fashion, and ultimately, is a detriment to competition and the public interest.

This dialing pattern change is analogous to a situation where a number or area code has changed. In such situations, the message simply provides the caller with the new number or area code; the recording does not initially tell the caller that the call cannot be completed. The standard intercept message, in order to prevent customer confusion and harm to the IXCs casual calling service, should, as quickly as possible, explain the dialing pattern change. Excel, therefore, respectfully requests that the Commission adopt MCI's proposed language:

"If you dialed a 5 digit code, it has changed. Please redial adding a one and a zero before the 5 digit code, or for assistance contact the carrier you are trying to use."

This language efficiently explains to callers that a dialing pattern has occurred, and instructs the caller to contact the carrier for further information, prior to causing the caller to hang up the phone. MCI's proposed recording accomplishes the Commission's stated goals

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<sup>5</sup> *MCI Letter* at 4.

without discouraging callers from using casual calling and without the inclusion of unnecessary language which would impose significant anti-competitive hardship on IXCs.

## **II. The Commission Should Prohibit the LECs' Use of Special Information Tones**

Excel also concurs with MCI's and VarTec's objection to the LECs use of SITs. SITs "*alert customers that a recorded message follows*," and therefore, customers simply hang up rather than listen to the recorded message.<sup>6/</sup> MCI's research, which indicates "that a high number of callers typically hang up immediately upon hearing a SIT," supports this conclusion.<sup>7/</sup> Therefore, even if a LEC uses an appropriate standard intercept message, the piercing tone of the SIT frequently will cause the customer to hang up, and the customer will never hear the message. If callers do not wait to hear the standard intercept announcement, the entire purpose of the message fails.

Additionally, the SIT is unnecessary. When a number or an area code has changed, no SIT tone is used to notify customers of the change. In this situation, which, as stated above, is analogous to a number or area code change, customers need to be informed as quickly and efficiently as possible to dial "10" before dialing the IXC's five-digit access code. A standard intercept message, without being preceded by a SIT effectively informs the customer of this dialing pattern change. In contrast, a SIT erroneously indicates something more complex than a simple dialing pattern change, needlessly consumes network time and misleads the customer.

This adverse consumer reaction to a SIT, which provides no benefits in this situation, would be devastating to the services provided by IXCs. Therefore, Excel urges the Commission to forbid the use of SITs prior to the standard intercept message.

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<sup>6</sup> *VarTec letter* at 5.

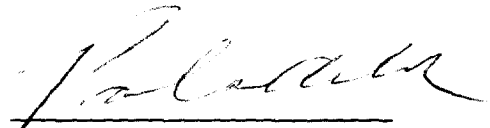
<sup>7</sup> *MCI letter* at 4.

### III. Conclusion

As explained above, MCI's proposed language, absent any SIT, effectively educates callers about the dialing pattern change, and therefore, accomplishes the Commission's goals without confusing, frustrating or alienating customers with superfluous language or unnecessary and misleading SITs.

Accordingly, in order to advance the Commission's pro-competitive goals and ensure a smooth and orderly transition process with respect to this national dialing plan change, Excel respectfully requests that the Commission order the removal from the intercept recording of the extraneous statement "your call cannot be completed as dialed," forbid the use of SITs, and require all LECs to follow and use the adopted language.

Respectfully submitted,



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